

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

**JERRY DALRYMPLE, Individually,
and as an officer, director,
shareholder, and/or principal of JDS
Entertainment Inc.,**

**DAVID DALRYMPLE, Individually, and
as an officer, director, shareholder,
and/or principal of JDS Entertainment
Inc.,**

**STEVE ORTNER, Individually, and as
an officer, director, shareholder,
and/or principal of JDS Entertainment
Inc., and**

JDS ENTERTAINMENT, INC.,

Defendants.

CASE NO. 8:12CV360

MEMORANDUM AND ORDER

This matter is before the Court on the Defendants' Motion in Limine (Filing No. 14). The Defendants seek to preclude the Plaintiff from calling Kathy Rhodes, or any other person who acted as a private detective, as a witness. Defendants note that Plaintiff has listed Rhodes as a witness and as an employee of Omni Present Investigations. Defendants assert that (1) neither Rhodes nor Omni Present Investigations were at any relevant time registered to do business in Nebraska as a private detective, plain clothes detective, or private detective agency, (2) Neb. Rev. Stat. § 71-3202 (Reissue 2009) prohibits unlicensed persons from engaging in such businesses, and (3) Neb. Rev. Stat. § 71-3213 (Reissue 2009) provides that a violation of § 71-3202 is a Class II misdemeanor.

The Plaintiff has not responded to the Motion in Limine, and it may be inferred that the Plaintiff no longer intends to call Rhodes or any alleged private detective as a witness. Regardless, while Neb. Rev. Stat. § 71-3202 prohibits unlicensed persons from engaging in the private detective business in Nebraska, and while Neb. Rev. Stat. § 71-3213 provides that a violation of § 71-3203 is a Class II misdemeanor, the Defendants have not referred the Court to any statute or other legal authority that suggests a person in violation of § 71-3202 is prohibited from offering testimony as a fact witness.

Accordingly,

IT IS ORDERED:

1. The Defendants' Motion in Limine (Filing No. 14) is denied.

DATED this 10th day of October, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge